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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX CPA  
COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

#40

Prior Application Art Unit: 1646

Prior Application Examiner: M. PAK

SIR:

This is a request for filing a **Continued Prosecution Application** as a:

☒ Continuation or ☐ Divisional application under 37 C.F.R. § 1.53(d) of pending prior nonprovisional U.S. Application No. 08/816,011 filed March 11, 1997 for POTASSIUM CHANNELS, NUCLEOTIDE SEQUENCES ENCODING THEM, AND METHODS OF USING SAME by the following named inventor(s):

Mark H. Pausch and Laura A. Price

The above-identified prior application, in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

1. ☐ Applicants hereby petitions for an extension of time. The filing fee includes the amount of \$0.00 to cover the cost of this extension of time.
2. ☐ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 122(b)(2)(B)(i).
3. ☒ Enter the amendment filed on March 12, 2003, under 37 C.F.R. § 1.116 in the prior application. That amendment was filed with a payment of \$ 930.00 and a petition for a three month extension of time.
4. ☒ Please cancel non-elected claims 1-21, 23, 25, 26, 28, 31, 32, and 36-39.
5. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. 1.53 (d)(4).

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04/01/2003 CNGUYEN 00000017 08816011

01 FC:1006  
02 FC:1203

750.00 OP  
280.00 OP

- a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

6. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 3 above.

Basic Application Filing Fee					\$750	\$ 750.00
	Number of Claims		Basic	Extra Claims		
Total Claims	8	-	20	0	x \$18	0
Independent Claims	2	-	3	0	x \$84	0
<input checked="" type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$280	280.00
Subtotal						\$
Reduction by 1/2 if small entity						-
TOTAL APPLICATION FILING FEE						\$ 1,030.00

7. ☒ A check in the amount of \$1,030.00 to cover the filing fee is enclosed.
8. ☒ The Commissioner is hereby authorized to charge any fees including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account No. 06-0916.
9. ☐ Small entity status is appropriate and applies to this application.
10. ☐ Priority of application Serial No. [Text] filed on [Date] in [Country] is claimed under 35 U.S.C. § 119. A certified copy  
☐ is enclosed or ☐ is on file in the prior application.
11. ☒ The prior application is assigned of record to BASF Aktiengesellschaft.
12. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593;

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13.



Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852.**

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14. ☒ Recognize as associate attorney Steven P. O'Connor, Reg. No. 41,225  
and Antigone G. Kriss, Reg. No. 47,721

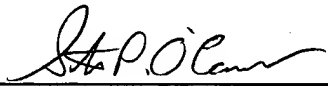
15. ☐ Also enclosed is \_\_\_\_\_

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in parent Application No. 08/816,011, filed March 11, 1997, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that any member of the public, who is entitled under the provisions of § 1.14 to access to, copies of, or information concerning either the prior application or any continuing application filed under the provisions of 37 C.F.R. § 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 31, 2003

By:   
Steven P. O'Connor  
Reg. No. 41,225

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